

From: Morgan Doocy
To: Microsoft ATR
Date: 1/23/02 3:25pm
Subject: Microsoft Settlement

23 January 2002

To Whom It May Concern,

Being a computer professional, I strongly disagree with the settlement terms outlined by the Proposed Final Judgment.

I feel the language of the PFJ is insufficiently succinct, leaving a number of significant and critical loopholes that may be used to easily evade compliance with the PFJ. Furthermore, I feel that many essential provisions are absent from the PFJ, allowing a number of significant anticompetitive and exclusionary practices to continue.

Many of these missing provisions may seem overly-specific, frivolous, or even damaging to Microsoft's right to protect its self-interest. But on the contrary I believe, as do many others, that through its anticompetitive practices Microsoft has in fact coerced OEMs, IAPs, and ISVs into giving up THEIR right to protect their self-interest by instituting punitive, frivolous, or overly-specific licensing agreements which prevent them from exploring those Microsoft-competitive products and services which could have in fact enhanced the quality of the licensees' product. To remedy such an offense, and to prevent its reoccurrence, a thorough and well-worded set of restrictions and requirements is called for, if not to promote competitive experimentation, at least to ensure that no way exists for such anticompetitive practices to ever again be used.

Mr. Dan Kegel has compiled an excellent collection of resources on the PFJ, amongst which is his own essay, "On the Proposed Final Judgment in United States v. Microsoft." I would like to refer the reader to these resources for opinions on the missing provisions I mentioned earlier, in the hopes that those more informed than I may better explain the importance of those provisions.

Mr. Kegel's resources page may be found at: <<http://www.kegel.com/remedy/>>.

His essay, "On the Proposed Final Judgment in United States v. Microsoft", may be found at: <<http://www.kegel.com/remedy/remedy2.html>>.

Thank you for your time.

Regards,

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